

THE HONORABLE MARY JO HESTON
CHAPTER 13
HEARING DATE: March 24, 2020
HEARING TIME: 1:00 P.M.
LOCATION: Tacoma, Washington
RESPONSE DATE: March 17, 2020

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 20-40284-MJH

ISAN MOLIK GOLDWIRE and
ITSSIA MAGDALENA GOLDWIRE,

TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE

Debtors.

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to confirmation as follows:

BACKGROUND

Debtors filed this Chapter 13 case on January 30, 2020. The applicable commitment period is sixty months. The case is currently in the second month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is April 9, 2020. Scheduled unsecured claims total \$56,093.17. The Trustee estimates that under the proposed plan general unsecured creditors will receive approximately \$0.00.

OBJECTION

- Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):

Trustee has requested, but not yet received, a copy of the registration for Debtors' Toyota Sienna. Based on Trustee's review of the proof of claim for the vehicle, it appears that the secured creditor failed to perfect its lien within thirty days of the vehicle purchase and appears to have perfected its lien within ninety days of the filing of this case. If the lien was not properly perfected, then the liquidation value of the plan may need to be increased to account for the non-exempt equity in the vehicle.

- Schedules or other documentation insufficient:

- (1) Trustee has requested, but not yet received, a copy of Mr. Goldwire's VA benefits statement to verify that his VA disability does not include a retirement component.
 - (2) Trustee has requested, but not yet received, an amended Statement of Financial Affairs to provide the dates of payments made to Debtors' counsel.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and

Debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 3rd day of March, 2020.

/s/ Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

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CERTIFICATE OF MAILING

2 I declare under penalty of perjury under the Laws of the United States as follows: I
3 mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation to the
following:

4 Isan Molik Goldwire
5 Itssia Magdalena Goldwire
6 11011 – 37th Avenue Ct. E.
7 Tacoma, WA 98446

8 The following parties received notice via ECF:

9 Ellen Ann Brown
10 US Trustee

11 Executed at Tacoma, Washington on the 3rd day of March, 2020.

12 _____
13 /s/Tracy Maher _____
14 Tracy Maher
15 Office Manager
16 Michael G. Malaier
17 Chapter 13 Trustee
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Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600